

Equal Employment Opportunity
Coordinating Council

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UNIFORM
GUIDELINES ON EMPLOYEE SELECTION
PROCEDURES

PART I
GENERAL PRINCIPLES

§1 Statement of purpose

a. These Uniform Guidelines on Employee Selection Procedures are issued pursuant to Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972; Executive Order 11246, as amended by Executive Order 11375; and the Intergovernmental Personnel Act. These guidelines have been developed under the auspices of the Equal Employment Opportunity Coordinating Council, established by Section 715 of Title VII of the Civil Rights Act of 1964, as amended.

b. These guidelines were developed (1) to assure that selection procedures do not discriminate against any group on the basis of race, color, religion, sex or national origin, (2) to improve public merit-based personnel selection and placement systems, and (3) to set out a uniform Federal position on how these objectives can be achieved. In addition, the guidelines are based upon the recognition that properly developed and validated tests can significantly aid in the development and maintenance of an efficient work force and in the effective utilization of human resources.

c. These guidelines establish a set of principles to assist employers, labor organizations and employment agencies in complying with equal employment opportunity requirements of Federal law with respect to race, color, religion, sex and national origin. They are designed to provide a framework for determining when the use of a test or other selection procedure is consistent with these requirements. Nothing in these guidelines is intended to impose obligations on persons not otherwise subject to the requirements of Title VII, Executive Order 11246, or other equal employment opportunity requirements of Federal law. These guidelines are not intended to apply to any responsibilities an employer, employment agency or labor organization may have under the Age Discrimination in Employment Act of 1967 not to discriminate on the basis of age.

d. It is the intent of the agencies issuing these guidelines to encourage employers, labor organizations and employment agencies to engage in cooperative efforts to develop selection procedures which conform with the guidelines.

§2 Scope

a. These guidelines apply to selection procedures used by private employers, state and local government employers, labor organizations and employment agencies subject to the requirements of Title VII of the Civil Rights Act of 1964, as amended, and of Executive Order 11246, as amended.

b. The validation concepts of these guidelines apply to selection procedures which are standardized, formal, scored or quantified measures or combinations of measures used as a basis for any employment decision. Employment decisions include but are not limited to hire, transfer, promotion, demotion, job or work assignments, membership (for example in a labor organization), training, referral, retention, licensing or certification.

c. The validation concepts of these guidelines do not apply to selection procedures other than those covered by subsection (b) above (such as unscored or unstandardized interviews).

§3 Relationship between Use of Tests and Discrimination

a. (1) The use of any selection procedure covered by section 2b which has an adverse impact on the members of any racial, ethnic or sex group with respect to hiring, promotion, transfer or other employment or membership opportunities, will be considered to be inconsistent with these guidelines, unless the procedure has been, in accordance with the principles contained in these guidelines, both validated and shown to be practically useful. (2) The use of any selection procedure covered by section 2c which has an adverse impact on the members of any racial, ethnic or sex group may be justified only on the basis of business necessity.

b. When the records and other evidence called for by §4 below indicate that a selection procedure has an adverse impact on the members of any racial, ethnic or sex group, the test user has an obligation to show that subparagraph (a) above has been satisfied. Where selection procedures can be used, which are substantially equally valid or more valid in accordance with these guidelines for a given purpose, the test user should use the procedure or procedures which will minimize the adverse impact.

c. Inasmuch as the principles of selection and promoting persons on the basis of merit are enhanced by the use of selection procedures which are valid, the U.S. Civil Service Commission notes that government employers operating under the merit principles of the Intergovernmental Personnel Act should in all cases seek to use procedures which are valid in accordance with the principles outlined in these guidelines.

§4 Evidence of Impact

Each test user should have available for inspection evidence that its selection procedures are being used in accordance with §3 above. Each test user should maintain such evidence as is appropriate, which will disclose the impact which the procedure has upon employment opportunities of persons by identifiable racial, ethnic or sex groups in order to determine compliance with the provisions of subsection 3(a) above, but such identification should not be used improperly as a basis for employment decisions. Where there are large numbers of applicants and procedures are administered frequently, such evidence may be obtained on a sample basis, provided that the sample is representative of the applicant population and adequate in size. Based upon such evidence, each test user shall determine whether there are indications of possible discrimination, as, for example, differences in selection rates or passing rates for minority candidates as compared to non-minority candidates. The records called for by this section are to be maintained by sex, and by racial and ethnic groups as follows: black (Negroes), American Indians (including Aleuts and Eskimos), Orientals (Asian Americans), Spanish-surnamed American (including persons of Mexican, Puerto Rican, Cuban or Spanish origin) and totals. The classifications called for by this section are intended to be consistent with those required by the Joint Reporting Committee for the Employer Information Report (EEO-1 et seq.) series of reports.

§5 Minimum Standards for Validation

a. For the purpose of satisfying the requirements of these guidelines, persons may rely on criterion-related validation, content validation or construct validation. These three types of validation are described in §14 below and in the American Psychological Association Standards for Educational and Psychological Tests, (Washington, D.C., 1974) (hereinafter "APA Standards"). The APA Standards may be referred to for additional guidance. In the event of differences between these guidelines and the APA Standards, these guidelines will be followed by the issuing agencies. If other professionally acceptable types of validation are developed, studies utilizing these new techniques will be evaluated by the agencies issuing these guidelines to determine their consistency with the purpose and principles of these guidelines. When the test user determines that a type of validation is not technically feasible, the test user is obligated to validate the selection procedure by another accepted strategy which is feasible.

b. A systematic and appropriately comprehensive analysis of the job for which the selection procedure is to be used is a required element of any validation study. Any professionally acceptable method of job analysis may be used, if it is sufficiently comprehensive and otherwise appropriate for the specific validation strategy used, as set forth in §14 below. Generally, the job analysis should result in a determination of all important duties performed on the job, and should set forth on what bases duties were determined to be important or critical, such as the proportion of time spent on the respective duties, their levels of difficulty, their frequency of performance or other appropriate factors. However, some methods of job analysis provide direct identification of the knowledges, skills and abilities necessary for successful job performance by an analysis of work process, rather than specific job duties.

c. Selection procedures must be administered and scored under controlled and standardized conditions.

d. Selection procedures may be used to predict the performance of candidates for a job which is at a higher level than the job for which the person is initially being selected, if it is probable that the individual being selected will progress to the higher level job within a

reasonable period of time. A "reasonable period of time" will vary for different jobs and employment situations but will seldom be more than five years and will usually be less than five years. Examining for a higher level job would not be appropriate where an employee's progression to that job is not a highly probable occurrence, where there is reason to doubt that the higher level job will remain essentially the same during the progression period, or where knowledges, skills or abilities required for advancement would be expected to develop principally from the training on the job.

e. Each test user should maintain and have available documentation of validity evidence, as set forth in §15 below. For purposes of clarity, the different requirements for criterion-related and content validity are stated separately. Documentation of studies of construct validity should follow generally the requirements of §15 below and should also show that the requirements of §14c have been satisfied. Previously written employer or consultant reports of the validity study are acceptable if they are complete in regard to these documentation requirements. If they are not complete, the required additional documentation should be appended. If necessary information is not available the report of the validity study may still be used as documentation, but its adequacy will be evaluated in terms of compliance with the requirements of these guidelines.

§6 Use of Other Validation Studies

a. Evidence from validation studies conducted by other employers or in other organizations, such as provided in studies set forth in test manuals and the professional literature, will be considered acceptable when: (1) the studies meet the standards of §14 below; (2) the studies pertain to jobs which are comparable, i.e., have substantially the same critical job knowledges, skills and abilities as shown by a job analysis which meets the standards set forth in subsection 5b above; and (3) there are no major differences in pertinent contextual variables which are likely to affect validity significantly, and with respect to criterion-related studies, no major differences in sample composition which are likely to affect validity significantly. Specifically, where the validation study which the test user seeks to use from the psychological literature identifies the racial, ethnic, or sex composition of the sample and

the sample composition differs significantly from the test user's applicant composition so that it is likely to affect prediction of job performance, the test user may not operationally use the selection procedure, even on an interim basis. A test user citing evidence from other validation studies as evidence of selection procedure validity for his own jobs must demonstrate that the evidence meets requirements (1), (2) and (3) above; except that differences in applicant population or sample composition are not relevant to content valid procedures.

b. Where the sample composition cannot be determined (e.g., from the studies or the authors of the studies), the test user will be expected to perform a validation study in accordance with §14 below when technically feasible. When a study is not technically feasible, the test user may rely on the study from the literature on an interim basis if it meets the standards of §8 below.

c. Where a selection procedure is to be used in different units of a multiunit organization, or cooperatively by different test users, and no relevant differences exist between units, jobs, contextual variables and, with respect to criterion-related studies, applicant populations, validity evidence obtained in one unit may suffice for the others. Similarly, where the validation process requires the collection of data throughout a multiunit organization or among a group of test users, evidence of validity specific to each unit may not be required. This includes instances where evidence of validity is obtained from more than one test user utilizing the same job classification. Both in these instances and in the use of data collected throughout a multiunit organization, evidence of validity specific to each unit normally will not be required, if no relevant differences exist between units, jobs, contextual variables and, with respect to criterion-related studies, applicant populations.

§7 No Assumption of Validity

a. Under no circumstances will the general reputation of a selection procedure, its author or its publisher, or casual reports of its validity or practical usefulness be accepted in lieu of evidence of validity. Specifically ruled out are: assumptions of validity based on a procedure's name or descriptive labels; all forms of promotional literature; data bearing on the frequency of a procedure's

usage; testimonial statements and credentials of sellers, users, or consultants; and other non-empirical or anecdotal accounts of selection practices or selection outcomes.

b. Professional supervision of selection activities is encouraged to help insure technically sound and non-discriminatory usage of selection procedures. However, such involvement does not constitute satisfactory evidence of validity, in the absence of evidence which meets the requirements of these guidelines.

§8 Interim Use of Selection Procedures

Selection procedures not fully supported by validation studies called for in §§14 and 15 below may be used operationally only under the circumstances set forth in this section. Use of selection procedures in accordance with this section will not constitute a defense against an action under or relief provided by Title VII, Executive Order 11246, or other provisions of Federal law, if a subsequent validation study fails to establish validity and practical usefulness.

a. If the test user chooses to support a selection procedure with a criterion-related or construct validation study, the test user may use the procedure operationally based upon a showing that:

(1) there is a validation study in progress which will produce, within a reasonable and specified period of time, the data called for in §§14 and 15; and

(2) data from other studies would support the use of the selection procedure, in accordance with §6 above, with respect to one or more important duties, as identified in the respective job analyses.

b. If a criterion-related or construct validation study is technically feasible in all other respects, but it is not technically feasible to conduct a differential prediction study when required by subparagraph 14a(5) below and the test user has conducted a validation study for the job in question which otherwise

meets the requirements of §14a below, the test user may continue to use the procedure operationally until such time as a differential prediction study is feasible and has been conducted within a reasonable time after it has become feasible. Even if the test user meets the standards for interim use of procedures set forth in this paragraph b, such person may not use the procedure(s) operationally in the absence of a differential prediction study, (1) if the test user knows or has reason to know that there is another procedure which is at least substantially equally predictive and validated in accordance with §14 below and which has significantly lesser adverse impact, or (2) where the skills available in the relevant labor market indicate that the conditions for a differential prediction study on a particular subgroup should exist in the test user's work force, unless the employer has undertaken appropriate affirmative steps in recruitment and other employment practices which make it probable that a differential prediction study may be conducted by the test user within a reasonable and specified period of time. Depending on the circumstances, appropriate steps may include (1) adjusting the cut-off scores, consistent with selection from among well qualified candidates and (2) establishing goals and timetables, based upon appropriate factors, including the skills available in the relevant labor market.

§9 Employment agencies and employment services

a. An employment agency, including private employment agencies and State employment agencies, should not make applicant or employee appraisals or referrals based on the results obtained from any selection procedure which causes an adverse impact and which is not validated in accordance with these guidelines.

b. An employment agency or service which agrees to a request by an employer or labor organization to devise and utilize a selection program should follow the standards for validation as set forth in these guidelines. An employment

agency is not relieved of its obligation herein because the test user did not request such validation or has requested the use of some lesser standard of validation than is provided in these guidelines.

c. Where an employment agency or service is requested to administer a selection program which has been devised elsewhere and to make referrals pursuant to the results, the employment agency or service should obtain evidence of validation, as described in these guidelines, before it administers the selection program and makes referrals pursuant to the results. The employment agency must furnish on request such evidence of validation. An employment agency or service will be expected to refuse to make referrals based on the selection procedure where the employer or labor organization does not supply satisfactory evidence of validity.

§10 Restrictions on Adopting More Stringent Standards

Where a test user has followed employment practices which exclude from consideration or otherwise deny equal employment opportunities on the basis of race, color, religion, sex or national origin, the test user should allow members of the group discriminated against to compete for current and future vacancies on the basis of qualifications and standards no more severe than those utilized by the test user in the past unless the test user demonstrates that the increased standards are required by business necessity. Nothing in this paragraph is intended to prohibit a public employer who has not previously followed merit principles or who has used invalid selection standards from adopting selection procedures based on merit principles and in accord with these guidelines.

§11 Retesting

Test users should provide a reasonable opportunity for retesting and reconsideration. A test user which administers examinations periodically upon announcement will be presumed to meet this requirement, unless persons who have previously been tested are precluded by the test user from retesting.

§12 Plans for Compliance with These Guidelines

Each test user is expected to assess compliance with these guidelines and to develop a plan for maintaining compliance, or for achieving compliance promptly. The plan should include a priority listing of occupations to be studied, the validation strategy contemplated, the basis for priority assignment, and a timetable for completion for each occupation to be studied and for the plan. Where adverse impact exists, the plan should also include the consideration of other available selection procedures differing from and having a substantially less adverse impact than procedures currently in use. Factors which must be taken into account in priority setting include but are not necessarily limited to (a) relative size of the occupation in the test user's work force, (b) the extent to which the procedure adversely affects members of any racial, ethnic or sex group, and (c) current minority and female employment in the occupation in the test user's work force as compared to reasonable expectations from skills in the relevant labor market. The enforcement agency may review the plan for achieving or maintaining compliance, and the progress made thereunder, and should take such plan and such progress into account, in determining whether to exercise its discretion to initiate an enforcement proceeding against any such test user on the basis of the selection program. The existence of any such plan, however, will not be a defense to an action or proceeding challenging the use of a procedure which does not otherwise meet the requirements of these guidelines.

§13 Affirmative Action

The use of selection procedures which have been validated pursuant to these guidelines does not relieve test users of their obligations to undertake affirmative action to assure equal employment opportunity.

PART II
TECHNICAL STANDARDS

§14 Validation Standards

The following minimum standards, as applicable, should be met in conducting a validation study:

a. Criterion-Related Validity

(1) There should be a job analysis as defined in subsection 5b above, to determine unbiased measures of work behaviors or performance that are relevant to the job in question except as otherwise provided in subparagraph (2) below. These measures or criteria are relevant to the extent that they represent critical or important job duties or work behavior as developed from the job analysis. They are unbiased to the extent that nonrelevant variables (including race, ethnic group membership or sex) do not unfairly inflate or depress criterion scores.

(2) The criteria should be fully described, including the rationale for the selection of the final criteria. Criterion measures may include measures other than work proficiency such as length of service, regularity of attendance, training time or properly measured success in job relevant training. Whatever criteria are used should represent major or critical work behaviors. Job behaviors such as accident rate, tardiness, absenteeism and turnover, may be used as criteria without a job analysis as required in subsection (1) above if the test user has available empirical evidence which documents the criticality of the criterion to the particular employment context. Nothing herein is intended to preclude the use of a standardized overall rating of work performance, in conjunction with other criteria and a job analysis as called for in subparagraph (1) above, or as the sole criterion where a sufficient analysis of the job has been done to indicate that such a sole criterion is appropriate.

(3) Whether a predictive validation study is conducted (where selection procedures are administered to applicants with criterion data collected later) or whether a concurrent validation study is conducted (where selection procedures are administered to present employees), the sample subjects should be representative of the racial, ethnic and sex group candidates normally available in the relevant labor market for the job or jobs in question. If there are not enough individuals from racial, ethnic or sex groups in the available candidate population or in the present work force to make it technically feasible to conduct criterion-related validation studies on a sample which is

representative of the candidates population, as defined above, the test user relying on criterion-related validation is not relieved from his subsequent obligation for validation on such groups or his present obligation to perform a validation study with his present work force or applicants.

(4) The degree of relationship between selection procedure scores and criterion measures should be computed, using professionally acceptable statistical procedures. A selection procedure has criterion-related validity, for the purposes of these guidelines, when the relationship between performance on the procedure and performance on at least one relevant criterion measure is statistically significant at the .05 level of significance which means that it is sufficiently high as to have a probability of no more than one (1) in twenty (20) to have occurred by chance.

(5) Differential Prediction

i. When one racial, ethnic or sex group characteristically obtains lower scores on a selection instrument than another group without corresponding differences in job performance, use of the selection instrument may unfairly deny employment opportunities to the group that obtains the lower scores.

ii. When more than one racial, ethnic or sex subgroup is a significant factor in the relevant labor market, and it is technically feasible to do so, the test user should investigate the possible existence of differential prediction if there are significant differences in average test scores, passing rates or selection rates for the significant subgroups. Both the performance criteria and their method of administration in studies of differential prediction should provide reasonable assurance of objectivity, reliability and freedom from bias. Where the proper conditions for technical feasibility do not exist, data (for example, means and standard deviations) should nevertheless be collected and summarized separately to the extent practicable.

iii. Evidence of differential prediction is developed by comparing, for example, regression equations and appropriate combinations of correlation coefficients, means and variances of subgroup performance on test scores and scores of job performance. Test users should be aware that a too hasty acceptance of differential prediction, if used in decision making

may be as likely to result in unfair use of selection procedures as is the failure to consider the possibility. The proper statistical assessment of the differences between groups is whether such differences could have been expected to have arisen by chance alone. Test users conducting a study of differential prediction should review the APA Standards regarding investigation of possible bias in testing.

iv. If differential prediction is demonstrated with samples of thirty (30) to sixty (60) individuals in each subgroup, corrective action should be taken to remove significant differential impact by revising or replacing the selection instrument. Where the differential prediction is confirmed with samples of at least 60 individuals in each subgroup or by cross validation with samples of at least 30 individuals in each subgroup, the test user may revise or replace the selection instrument (provided the revision or replacement has been validated in accordance with this Section) or may continue to use the selection instrument operationally with appropriate revisions in the selection procedure to assure compatibility between successful job performance and the probability of being selected. In any event employment decisions should be made on the basis of expected job performance and not on the basis of differences in mean test scores for subgroups.

v. Where a differential prediction study is conducted with large samples and there is a finding of differential prediction and such finding is based on the statistical significance of small differences between subgroups in regression slopes or intercepts, the test user may continue to use the test without modification if he can demonstrate that such small differences have no significant differential impact on the selection of job candidates from different subgroups.

(6) If the relationship between a selection procedure and a criterion measure is significant but non-linear, the score distribution should be studied to determine if there are sections of the regression curve with zero or near zero slope where scores do not reliably predict different levels of job performance. The selection procedure may be used to rank candidates only on that portion of the regression curve where the slope is statistically different from zero.

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b. Content Validity

(1) There should be a job analysis as defined in subsection 5b above. This job analysis should result in a definition of the performance domain with respect to the jobs in question. Definitions of the performance domain may include any of the following: the critical and important job duties; worker characteristics, such as knowledges, skills, abilities and physical attributes, required for successful performance of the job or a substantial part of it; or, when a selection procedure is used to rank job candidates, the knowledges, skills or abilities that differentiate between barely acceptable job performance and higher levels of performance.

(2) A selection procedure which is a representative sample of the performance domain of the job as defined in accordance with subsection (1) above, is a content valid procedure for the purpose of these guidelines. Representativeness can be determined by careful development of a sampling procedure and by ascertaining that the sample coverage of the performance domain is adequate. Permissible sampling procedures include job simulations and replications; random sampling from an explicitly defined or enumerated universe; and stratified sampling with respect to criticality, importance, or frequency. The reliability of selection procedures justified on the basis of content validity should be a matter of concern to the test user. Whenever it is appropriate to do so (as is the case with most paper-and-pencil tests), statistical estimates should be made of the reliability of the selection procedures.

(3) The relationship between the content of the selection procedure and the performance domain of the job should be clearly and precisely described. The closer the content of the procedure is to actual work samples (i.e., job tasks or job behaviors), the clearer the relationship. Therefore, the requirement for evidence supporting the relationship increases as the content of the procedure less resembles work samples. A content valid selection procedure should not be used to measure knowledges, skills or abilities that are outside the performance domain of the job or are irrelevantly difficult.

(4) A selection procedure based on inferences about psychological processes cannot be supported by content validation alone. Thus content validity by itself is not an appropriate validation strategy for intelligence, aptitude, personality or interest tests.

(5) A requirement for specific prior training or for work experience in a particular job classification should be justified on the basis of the relationship between the content of the training or experience and the performance domain of the job for which the training or experience is to be required, not solely on the basis of the time spent in the training or on the prior job.

(6) Job knowledges, skills or abilities which are to be acquired by an applicant through subsequent work experience, formal training programs or on-the-job training cannot be included in a content valid selection procedure.

(7) If a higher score on a content valid selection procedure test can be expected to result in better job performance, the results may be used to rank persons who score above minimum levels.

c. Construct Validity

Construct validation is a complex strategy. Accordingly, test users choosing to validate a selection procedure by use of this strategy should be careful to follow professionally accepted standards (see, e.g., APA Standards).

(1) There should be a job analysis as defined in subsection 5b above. This job analysis should result in a determination of the job performance constructs that represent successful performance of the essential and critical duties of the job. The relevance of the job constructs to actual job performance should be demonstrated by empirical and quantified evidence obtained by techniques which are professionally acceptable for the development of job performance constructs. These techniques may include, but are not necessarily limited to: factor analyses, convergent-divergent discrimination studies, or intercorrelations of the actual job performance measures.

(2) A selection procedure should be selected or developed which is believed to measure the construct(s) identified in subparagraph (1) above. The effectiveness of the selection instrument for measuring the test construct(s) should be demonstrated by empirical and quantified evidence obtained by techniques which are professionally acceptable for development of tests and test constructs. These techniques may include, but are not necessarily limited to: factor analyses; convergent-divergent discrimination studies, or correlations of the selection procedure with other recognized measures of the construct(s).

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(3) The selection procedure may be used operationally if the standards in subparagraphs (1) and (2) are met and there is empirical research evidence, in the form of one or more criterion-related validation studies (meeting the requirements of §14a, d, e and f) that the selection procedure is validly and usefully related to job performance. If other equally rigorous and professionally acceptable techniques for showing such a relationship are developed or shown to exist, their use in employee selection may be evaluated for consistency with the purposes and principles of these guidelines.

(4) Where the relationship between a selection instrument and measures of job performance which reflect a well-defined and specified construct at an appropriately measured level has been demonstrated by repeated statistically and practically significant criterion-related studies, the selection instrument may be utilized for that construct in other jobs as identified by job analysis (as set forth in subparagraph (2) above) without a criterion-related study for each such job. The constructs so identified for each job should be based on the procedures and findings of a job analysis as specified in subsections 5b and 14c(1) above.

d. In order to establish validity the test user must show that the selection procedure is related to or predictive of successful performance of at least one critical job duty or other significantly important aspects of job performance. The use of a single selection instrument which is valid for only one job duty or a small proportion of successful job performance should be fully documented, and will be subject to close review.

e. In addition, even though a selection procedure meets the requirements of subsection 14d, it should be practically useful, in order to be utilized operationally. In determining whether a procedure supported by a criterion-related validation study is useful, the following factors and their inter-relationships should be considered, among others:

(1) The percentage of individuals who can be expected to be selected out of those who apply, or out of those who are eligible for employment. If other factors remain the same, the higher the percentage of individuals who will be selected, the higher the relationship between performance on the selection procedure and performance on the job needs to be in order to be useful. Conversely, a relatively low relationship may prove useful when proportionately few applicants are to be chosen.

(2) The percentage of individuals in the present work force who are considered satisfactory or superior and who have not been selected on the basis of the selection procedure, or other similar selection procedures. Given a particular relationship between the selection procedure and job performance, the larger the proportion of applicants who have become satisfactory or superior employees when not selected on the basis of the same or similar procedure, the less will be the likelihood for a relative increase in the proportion of satisfactory or superior employees. Conversely, the smaller the proportion of applicants who have become satisfactory or superior employees when not selected on the basis of the same or similar procedure, the greater will be the likelihood for a relative increase in the proportion of satisfactory or superior employees.

(3) The magnitude of the relationship between performance on the selection procedure and performance on the job. If other factors remain the same, the greater the relationship between the selection procedure and job performance, the more likely it is that the procedure will be useful.

f. In determining whether an employer may continue to use a selection procedure operationally which has not been clearly shown under subparagraphs (1), (2) and (3) above, either to have usefulness or to lack usefulness, the following additional factors as appropriate should also be taken into account: the availability of other selection instruments of greater or substantially equal validity; the degree to which a procedure differentially affects members of any group; and the need of an employer, required by law or regulation to follow merit principles, to have an objective system of selection.

§15 Documentation of Validity Evidence

Test users should maintain and have available sufficient evidence to determine that the standards called for in §14 above are met. This evidence should be compiled in a reasonably complete and organized manner to permit direct interpretations of the validity of the selection instruments. In the event that evidence of validity is reviewed by a compliance agency, the reports submitted are expected to use one of the formats set forth below. Evidence denoted by use of the word "(ESSENTIAL)" is considered critical and reports not containing such information will be considered incomplete.

a. Criterion-related validity. Reports of criterion-related validity of selection procedures, where required by these guidelines, are to contain the following information:

(1) Test User(s), and Location(s) and Date(s) of Study. Dates of administration of selection procedures and criterion collection, and where appropriate, the time between collection of data on selection procedures and criterion measures should be shown (ESSENTIAL). If the study was conducted at several locations, the address of each location, including city and state, should be shown.

(2) Problem and Setting. An explicit definition of purposes of the study and the circumstances in which the study was conducted should be provided. A description of existing selection procedures and cut-off scores, if any, should be provided.

(3) Job Analysis. A full description should be provided for all relevant information called for in §§5b and 14a(1) above. This description must include all important duties and tasks, where the job analysis relies on duties and tasks, or specific measures of job behaviors, or important worker characteristics, involved in each of the jobs on which research has been conducted and for which the selection procedure will be used (ESSENTIAL). If two or more jobs are grouped for a validation study, a justification for this grouping, as well as a description of each of the jobs, should be provided.

(4) Job Titles and Codes. It is desirable to provide the test user's job title(s) for the job(s) in question and the corresponding job title(s) and code(s) from United States Employment Service Dictionary of Occupational Titles (Third Edition) Volumes I & II, United States Government Printing Office, 1965. Where standard titles and codes do not exist, a notation to that effect should be made.

(5) Criteria. A description of all criteria of job-related behaviors collected, including a rationale for selection of the final criteria, and means by which they were observed, recorded, evaluated and quantified should be reported (ESSENTIAL). The rationale for the selection of the criteria used should reflect the basis on which the criteria were judged to be relevant (ESSENTIAL). If rating techniques are used as criteria the appraisal form(s) and instructions to the rater(s) should be included as part of the validation evidence (ESSENTIAL). Reports of reliability estimates for criterion measures and how they were established should be included, if feasible.

(6) Sample. A numerical description of the sample and, if known, the racial, ethnic and sex composition of the subsamples should be provided (ESSENTIAL). Racial and ethnic classifications should be those set forth in §4 above. A description of how the research sample was selected and how it compares with the racial, ethnic and sex composition of employees in the jobs, and available in the relevant labor market, is also desirable. Where data are available, the racial, ethnic and sex composition of current applicants should also be described. Descriptions of educational levels, length of service, and age are also desirable.

(7) Selection Procedures. If commercially available selection procedures are used, they should be described by title, form and publisher (ESSENTIAL). Other selection procedures including those constructed by or for the test user, interviewers' rating forms and/or procedures, education and experience levels, and composites of procedures should be explicitly described (ESSENTIAL). A rationale for relating each procedure studied to the requirements of the job should be included. Reports of reliability estimates and how they were established are desirable.

(8) Techniques and Results. Methods used in analyzing data should be described (ESSENTIAL). Any statistical adjustments, such as for less than perfect reliability or for restriction of score range in the selection procedure or criterion, or both, should be described; and uncorrected correlation coefficients should also be shown (ESSENTIAL). Statistical results should be organized and presented in tabular or graphical form, by racial, ethnic and/or sex subgroups (ESSENTIAL). Statements regarding the statistical significance of results should be made (ESSENTIAL). Where the statistical technique used categorizes continuous data, such as biserial correlation and the phi coefficient, the categories and their bases should be described and justified (ESSENTIAL). Where more than one procedure and/or more than one criterion is used, all selection procedure-criterion relationships should be reported, including their magnitudes and directions (ESSENTIAL). Measures of central tendency (e.g., means) and measures of dispersion (e.g., standard deviations and ranges) for all selection procedures and all criteria should be reported for all relevant racial, ethnic and sex subgroups.

(9) Uses and Applications. A description of the way in which each selection procedure is to be used (e.g., as a screening device with a cut-off score or combined with other procedures in a battery) and application of the procedure (e.g., selection, transfer, promotion) should be provided so as to permit judgments of the procedure's usefulness in

making predictions of future work behavior (ESSENTIAL). The specific way the procedure or battery is used operationally should be described (ESSENTIAL). If weights are assigned to different parts of the selection procedure, these weights and the validity of the weighted composite should be reported (ESSENTIAL).

(10) Cut-Off Scores. Where cut-off scores are to be used, both the cut-off scores and the way in which they were determined should be described (ESSENTIAL).

(11) Source Data. Each test user should maintain, and make available upon request of a compliance agency, records showing all pertinent information about individual sample members in studies involving the validation of selection procedures. These data should include selection procedure scores, criterion scores, age, sex, minority group status, and experience on the specific job on which the validation study was conducted and may also include such things as education, training, and prior job experience. If the test user chooses to include, along with a report on validation, a worksheet showing the pertinent information about the individual sample members, specific identifying information such as name and social security number should not be shown. Submission of the worksheet with the validation report is encouraged in order to avoid delays.

(12) Contact Person. It is desirable for the test user to set forth the name, mailing address, and telephone number of the individual who may be contacted for further information about the validation study.

b. Content Validity. Reports of content validity of selection procedures are to contain the following information:

(1) Job Analysis. A full description should be provided for the basis on which the performance domain is defined and for the rationale of that basis (ESSENTIAL). A complete and comprehensive definition of the performance domain should also be provided, as defined in subsection 14b(1) above (ESSENTIAL).

(2) Job Title and Code. It is desirable to provide the test user's job title(s) and the corresponding job title(s) and code(s) from the United States Employment Service Dictionary of Occupational Titles (Third Edition) Volumes I and II, United States Government Printing Office, 1965. Where standard titles and codes do not exist, a notation to that effect should be made.

(3) Selection Procedures. Selection procedures including those constructed by or for the test user, specific training requirements, composites of selection procedures, and any other procedures for which content validity is asserted should be explicitly described (ESSENTIAL). If commercially available selection procedures are used, they should be described by title, form, and publisher (ESSENTIAL). Reports of reliability estimates and how they were established should be provided where appropriate.

(4) Techniques and Results. The sampling procedure by which the correspondence between the content of the selection procedure and the performance domain was established and the relative emphasis given to various aspects of the content of the procedure as derived from the performance domain should be described (ESSENTIAL). If any steps were taken to reduce adverse racial, ethnic, or sex impact in the content of the procedure or in its administration, these steps should be described. Establishment of time limits, if any, and how these limits are related to the speed with which duties must be performed on the job, should be explained. The adequacy of the sample coverage of the performance domain should be described as precisely as possible. Measures of central tendency (e.g., means) and measures of dispersion (e.g., standard deviations) should be reported for all selection procedures, as appropriate. Such reports should be made for all relevant racial, ethnic, and sex subgroups, at least on a statistically reliable sample basis, wherever the records required by the second sentence of §4 above disclose that the procedure has an adverse effect on any such subgroup.

(5) Uses and Applications. A description of the way in which each selection procedure is to be used (e.g., as a screening device with a cut-off score or combined with other procedures in a battery) and the application of the procedure (e.g., selection, transfer, promotion) should be provided. (ESSENTIAL).

(6) Cut-off Scores. The rationale for minimum scores, if any, should be provided (ESSENTIAL). If the selection procedure is used to rank individuals above minimum levels, or if preference is given to individuals who score significantly above the minimum levels, a rationale for this procedure should be provided in accordance with the provisions of subsection 14b(7) above (ESSENTIAL).

(7) Contact Persons. It is desirable for the employer to set forth the name, mailing address and telephone number of the individual who may be contacted for further information about the validation study.

§16 Definitions

The following definitions shall apply throughout these guidelines:

(1) **Adverse Impact:** Adverse impact may be found when a selection process for a particular job or group of jobs results in the selection of members of any racial, ethnic or sex group at a lower rate than members of other groups. A selection process will be deemed to end at each stage at which applicants are eliminated from further consideration for the job or jobs in question.

The determination of adverse impact will be made on the basis of all relevant factors, including, in addition to the rates of selection by racial, ethnic and sex groups with respect to the selection procedure in issue, the number of job candidates in each group, and evidence of the impact of the procedure when used by other test users. The enforcement agencies will generally regard a selection rate for any group which is less than four-fifths (4/5) or eighty percent of the rate for other groups as constituting evidence of adverse impact. Smaller differences may nevertheless be considered to constitute adverse impact, where they are significant in both statistical and practical terms. Greater differences would not necessarily be regarded as constituting adverse impact where the differences are based on small numbers and are not statistically significant, or can be shown to be caused by reasons other than race, sex, national origin, etc.

(2) **Differential prediction:** A term used to describe differences in prediction of job performance for identifiable subgroups of applicants or employees. The term "differential validation" is sometimes used interchangeably with "differential prediction."

(3) **Employer:** Any employer within the meaning of Section 701 of the Civil Rights Act of 1964, as amended, and any Federal contractor or subcontractor of federally assisted construction contractor or subcontractor covered by Executive Order 11246, as amended.

(4) **Employment agency:** Any employment agency within the meaning of Section 701 of the Civil Rights Act of 1964.

(5) **Ethnic group:** A group identified on the basis of religion, color or national origin.

(6) Labor organization: Any labor organization within the meaning of Section 701 of the Civil Rights Act of 1964, as amended, and any committee controlling apprenticeship or other training.

(7) Merit principles: The basic tenets of public personnel administration, including such concepts as open competition for entry, selection on the basis of relative knowledges, skills and abilities, advancement based on relative performance and ability, and fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, national origin, sex or political affiliation.

(8) Selection procedure: Any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques from traditional paper and pencil tests, performance tests, and physical, educational and work experience requirements through informal or casual interviews and unscored application forms.

(9) Technical feasibility: The existence of conditions permitting the meaningful use of criterion-related validity studies. These conditions include: (a) having or obtaining a sufficient number of individuals to achieve findings of statistical and practical significance; (b) having or being able to obtain a sufficient range of scores on the test and job performance measures to produce validity results which can be expected to be representative of the results if the ranges normally obtained were utilized; and (c) having or being able to devise unbiased and reliable measures of job performance or other criteria of employee adequacy.

(10) Test user: Any employer, labor organization or employment agency which uses a selection procedure as a basis for any employment decision. Whenever an employer, labor organization, or employment agency is required by law to restrict recruitment for any occupation to those applicants who have met licensing or certification requirements, the licensing or certifying authority will be considered the test user with respect to those licensing or certification requirements. Whenever a state employment agency or service does no more than administer or monitor a procedure on behalf of another governmental agency, as permitted by Department of Labor regulations, and does so without making referrals or taking any other action on the basis of the results, the state agency which scores or otherwise acts upon the results of the procedure will be considered the test user.

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